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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS LOPES,
Plaintiff,
vs.
FREMONT FREEWHEELERS, et al.,
Defendants.

) No. C07-06213-PH
)
)
)[**[PROPOSED] ORDER GRANTING**
)[**DEFENDANTS JOSEPH DALE WREN,**
)[**NEWARK POLICE DEPARTMENT and**
)[**JIM DAVIS' MOTION TO DISMISS**
)[**(Federal Rule of Civil Procedure 12(b)(6)**
)
)[**Date:** July 9, 2008
)[**Time:** 9:00 a.m.
)[**Courtroom:** 3
)

Defendants JOSEPH DALE WREN, NEWARK POLICE DEPARTMENT and JIM DAVIS’ (“City”) motion to dismiss was heard on July 9, 2008, the Honorable Phyllis J. Hamilton presiding. Defendants were represented by their attorney, Furah Z. Faruqui. Plaintiff Cornelius Lopes represented himself.

After considering the papers in support of the opposing defendants' motion and Good Cause appearing, defendants' motion to dismiss is granted. The counts alleged against the various defendants are barred by the applicable statute of limitations and *res judicata*.

Accordingly, plaintiff's complaint is dismissed as to defendants Joseph Dale Wren, City of Newark and Jim Davis.

Date: July , 2008

PHYLLIS J. HAMILTON
United States District Judge